

# THE 12<sup>TH</sup> ASSEMBLY DISTRICT REPORT



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PROUDLY REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

September 2005

## STOPPING THE JET FUEL RIP-OFF

### PROTECTING REVENUE FOR THE PENINSULA

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For the past two years, San Francisco and San Mateo counties have lost over \$3 million a year due to an ongoing rip off of jet fuel sales taxes that have been siphoned off to the City of Oakland.

Since 1998, the two counties have split sales tax revenue generated at San Francisco International Airport (SFO) derived from the purchase of jet fuel by the many airlines operating out of SFO. The tax sharing allocation was established under Assembly Bill (AB) 66 (Baca) which was meant to disburse jet fuel sales tax revenue to airport communities who must bear the impacts – noise, pollution, and traffic – of their transportation hubs. Initially, airport communities across the state benefited from these sales tax dollars.

But two years ago one carrier, United Airlines, concocted a scheme with the City of Oakland to deprive our communities of these much needed dollars. For its part, the City of Oakland will benefit from all of the jet fuel purchases executed by United Airlines throughout California. In turn, Oakland kicks back to United 65 percent of the take.

Oakland and United accomplished this financial feat by forming an Oakland-based subsidiary to establish a single-point-of-sale for all of United's jet fuel purchases in the state, doing an end-run around the intent of AB 66.

To end this theft of our local tax dollars, I have introduced AB 451 which will close this loophole and return millions of dollars in jet fuel sales tax revenue back to our communities. The legislation is proudly supported by the California State Association

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## CONGRESS PASSES BILL TO NATIONALLY IMPLEMENT ASSEMBLYMAN YEE'S 2003 TOWING LEGISLATION

### ASSEMBLY BILL 792 (2003) REQUIRES WRITTEN AUTHORIZATION TO TOW MOTOR VEHICLES

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Congress recently passed the new highway bill which allows for national implementation of a 2003 state bill authored by Speaker pro Tem Yee, requiring property owners to authorize and be present in order for a motor vehicle to be towed off private property.

"I am very pleased to see Congress follow California's lead on this issue," said Speaker pro Tem Yee. "This legislation severely limits predatory towing by the few towing companies who lurk around parking lots snatching up cars for minor violations, or in some cases no violation at all."

In 2003, the State Legislature passed and then-Governor Gray Davis signed Yee's AB 792, which made a technical change to a California law that was invalidated by a federal appeals court in 2000. The 2000 court ruling was due to the Federal Aviation Administration Authorization Act of 1994, which decreed that towers were interstate carriers and therefore only subject to federal regulation, except for matters

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## PROTECTING REVENUE FOR THE PENINSULA



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of Counties (CSAC), Urban Counties Caucus and the League of California Cities.

Recently, however, disagreement over this revenue sharing allocation between San Francisco and San Mateo County has emerged. This debate is not new.

Prior to the passage of AB 66 in 1998, jet fuel dollars benefited only municipalities that were home to corporate oil headquarters, such as San Francisco as the former host to Chevron.

Part of the compromise of AB 66 was to evenly allocate the jet fuel sales tax revenue from the sales at San Francisco International Airport (SFO) between San Mateo County and San Francisco. Some have speculated that AB 66 was a "backroom deal" orchestrated by San Francisco. However, when one reviews the history, they will learn that San Francisco adamantly opposed the legislation.

Despite San Francisco's initial opposition to the bill, AB 66 was the right and fair action for the Legislature to take. Nonetheless, both counties have made solid arguments as to why one should enjoy all of the jet fuel sales tax revenue. But fundamentally, both counties struggle with and benefit from the tremendous business activity generated by the airport.

As the Assemblymember representing both counties, I believe it is important that we work together on issues of mutual concern. AB 451 is a commonsense bill that benefits both counties for a variety of reasons. Most importantly, there is no other viable alternative. Last year, California voters approved Proposition 1A, which is now part of the California Constitution. That amendment specifically states that "the Legislature shall not enact a statute to change the method of distributing revenues." In other words, even if it made sense to dissolve the 50-50 split at SFO, to change the long-standing allocation would be unconstitutional.

Of more immediate concern, however, is that without closing the jet fuel sales tax loophole, San Mateo County and San Francisco will each continue to lose at least \$1.5 million a year, and leave open the option for other airlines to enter into similar deals with other jurisdictions. If each airline that flies into SFO takes advantage of the existing loophole and strikes up similar deals with Oakland or another municipality, our counties could be out tens of millions of dollars. To put it in perspective, for every \$1,000,000 in revenue, we can provide full health, dental, and vision insurance for over 424 children.

As the only Assemblymember representing both San Mateo County and San Francisco, it is my responsibility to represent the interests of both communities. What is best for all Peninsula residents is to return these much need dollars. Doing anything but supporting AB 451 would be putting parochial politics before policy and could jeopardize millions of dollars for city and county programs.

**Leland Y. Yee, Ph.D.**  
**Speaker pro Tempore**  
**California State Assembly**

## ASSEMBLYMAN YEE SUPPORTS TEACHERS' EFFORT TO FULLY FUND OUR SCHOOLS

*CTA FORCED TO FILE LAWSUIT DUE TO GOVERNOR'S  
FAILURE TO FULLY FUND PROP. 98*

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Speaker pro Tem Yee has pledged his complete support of California teachers' effort to fully fund public schools through the voter approved Proposition 98. Earlier this month, the California Teachers Association (CTA) announced a lawsuit against Governor Arnold Schwarzenegger and Director of Finance Tom Campbell to enforce the provisions of Proposition 98 that guarantees minimum funding for schools.

"The failure of the Governor to adequately fund public education has had real consequences for our schools," said Speaker pro Tem Yee. "Facilities have closed, class sizes have increased, support services have been cut, textbooks are lacking, and teachers, nurses, counselors and librarians have been laid off."

In 1998, California voters overwhelmingly supported Proposition 98 to protect schools and students from devastating budget cuts and to maintain a minimum level of education funding.

In 2004, the education community, including CTA, reached agreement with Governor Arnold Schwarzenegger to "rebench" the Proposition 98 guarantee by \$2 billion. That agreement was codified as Chapter 213 of the Statutes of 2004, which suspends Proposition 98 and states that schools shall receive just \$2.004 billion less than they otherwise would have been entitled to in 2004-05.

The agreement called for money to be restored as state revenues increased. Under Proposition 98, the agreement, and Chapter 213, the schools were entitled to a share of those additional revenues. Because of the increase in state revenues during the 2004-05 fiscal year, the schools became entitled to an additional \$1.8 billion in 2004-05. Schools were not provided that additional funding; instead, the money was spent on other programs.

"Each day we tell our children to study hard and tell the truth, yet our Governor has not kept his promise to our schools or to our children," said Speaker pro Tem Yee. "It is unfortunate that our teachers need to file a lawsuit just to prevent catastrophic cuts to public education."

Public schools in San Francisco and San Mateo counties could gain nearly \$27 million in new funds if Assembly Bill (AB) 6, backed by Assembly Democrats is passed by the Legislature. The bill would restore the 10 and 11 percent tax brackets on high income earners that existed during the administrations of former governors Ronald Reagan and Pete Wilson. Needing a two-thirds super-majority for passage, AB 6 failed on a 46-32 party line vote on June 15, 2005.

Under AB 6, California schools would receive an additional \$2.2 billion in funding for the State's K-14 education system. Ongoing funding provided by AB 6 would total \$1.3 billion to school districts and community colleges and another \$900 million in one-time funding.

"Instead of attacking teachers and children through an unnecessary special election, the Governor should be working with us to improve and adequately fund public education," said Speaker pro Tem Yee.

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## **YEE PROMOTES ENERGY CONSERVATION, URGES COMMUNITY TO "FLEX YOUR POWER"**

*2005 FLEX YOUR POWER AWARDS TO HIGHLIGHT  
ENERGY CONSERVATION LEADERS*

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Throughout the summer, Speaker pro Tem Yee was urging residents and businesses of San Francisco and San Mateo counties to help conserve energy and is now asking the community to nominate individuals and organizations for the 2005 Flex Your Power Awards.

The Flex Your Power Awards are part of California's official statewide energy efficient campaign. Nominations are encourage for individuals, companies, government agencies, and organizations that have provided exemplary leadership in advancing California's efforts to save energy and water.

"Power is a scarce resource and we need to see that it is conserved," said Speaker pro Tem Yee. "I encourage all those in the community who have taken extraordinary steps towards saving energy to apply for a 2005 Flex Your Power Award."

Awards will be given in four categories: *Energy Efficiency* – programs involving the installation of energy efficient equipment, lighting, and appliances; *Demand Response/Conservation* – activities or equipment used to reduce energy use during certain times of the day (e.g. at peak) by shedding or shifting demand (also referred to as load management); *Education and Leadership* – educational efforts or outstanding leadership that has had a significant impact in the areas of energy efficiency or demand response/conservation; *Innovations for Products or Services* – innovations for a product or a service that improves energy efficiency or demand response. This might apply to technological R&D and manufacturing; retailer promotions; vendor, contractor and consultant programs, among others.

The awardees will be recognized in newspapers ads throughout the state later this year and will be featured on the Flex Your Power website, [www.FYPower.org](http://www.FYPower.org).

To apply or nominate an organization or individual, download the application at [www.fypower.org/feature/awards/2005\\_Award\\_Application.pdf](http://www.fypower.org/feature/awards/2005_Award_Application.pdf) and email it to: [success@FYPower.org](mailto:success@FYPower.org) or fax to: (415) 775-4159. You can also mail it along with any supporting material to Flex Your Power, 2183 Union Street, San Francisco, California 94123.

Applications should be received by 5:00 p.m., Friday, September 16, 2005. If you have any questions, please contact Flex Your Power at (415) 771-7571.



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pertaining to public safety.

AB 792 made technical changes to the state law, stating that the statutory provisions related to the towing of vehicles promotes the safety and welfare of the public. As a result, the federal appeals court reversed itself in May, validating AB 792 in California. Further validating California's law came last week when Congress passed the highway bill specifically allowing states to pass laws requiring property owners to authorize and be present at each tow.

In addition, AB 792 allowed vehicle owners to pay for towing and storage services by credit card.

"There have been far too many cases in California and throughout the country in which towers have been overly aggressive, and in one case even running over and killing a vehicle owner as he pleaded to get his car back," said Speaker pro Tem Yee. "Fortunately, instances of predatory towing will become much more difficult as a result of AB 792 and the federal legislation."

Los Angeles police are currently conducting sting operations to catch illegal towers. Since April, the city attorney's office has filed misdemeanor charges against three towing companies. One such owner was sentenced to 240 days in jail or 120 days picking up trash on the highway, as well as \$15,000 in restitution to 35 victims.



## **Richmond District Community Health Fair 2005**

Sponsored by

*Assemblyman Leland Yee, Supervisor Jake McGoldrick,  
Kaiser Permanente, On Lok Senior Health,  
Compassionate Community Care*

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**Saturday October 1, 2005**

**10:00 a.m. – 2:00 p.m.**

**Kaiser Permanente**

**4141 Geary Blvd (between 5th and 6th Avenues)  
San Francisco, California**

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Get access to a variety of health screenings, information from dozens of community based health organizations, entertainment, workshops, raffle prizes and more

**[WWW.ASSEMBLY.CA.GOV/YEE](http://WWW.ASSEMBLY.CA.GOV/YEE)**

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# 18 YEE-AUTHORED BILLS NEAR PASSAGE

September 9, 2005 is the final day for any bill to be passed in the first year of the two-year session. Assemblyman Yee has 17 bills that are close to passing and heading to the Governor's desk to be signed into law before this year's deadline. Dr. Yee has 22 other bills that will be considered in 2006.

LEARN MORE BY [CLICKING](#) ON EACH BILL

**AB 297** adjusts the way Sexually Violent Predators, who are committed to State Mental Health Facilities, may file charges of complaint against Mental Health Staff. Under current law, complaints against staff are filed through the State Personnel Board. The State Personnel Board is not properly equipped to handle the large and increasing number of these complex complaints. AB 297 would require sexually violent predators involuntarily committed to a Dept. of Mental Health Facility to file complaints with the Dept. of Mental Health, and not with the State Personnel Board.

**AB 443** is a step towards increased nutrition for students in California's schools. Foods sold by organizations other than the School Lunch Program are often high in fat, sugar, sodium and hinder students' health and ability to learn. This bill requires that the State Board of Education review and revise regulations related to competitive foods in schools.

**AB 444** updates school nutritional guidelines by adding "sugar and sodium" to the list of foods classified as sources of unhealthy calories. By recognizing "sugar and sodium" as ingredients to be limited, we can curtail the number of unhealthy foods available to students.

**AB 451** could return millions of dollars in jet fuel sales tax revenue to airport host communities across the state. The bill closes a loophole in the law that is currently being exploited by United Airlines and the city of Oakland, siphoning millions of dollars in jet fuel sales tax revenue from airport communities including San Francisco and San Mateo County (SFO), Ontario and San Bernardino County (ONT), Los Angeles (LAX), Sacramento (SMF), San Diego (SAN), and San Jose (SJC), all into Oakland.

**AB 452** calls for the doubling of fines for unlawful passing and overtaking, excessive speed, reckless driving, drunken driving, and other similar serious moving violations on 19<sup>th</sup> Avenue (along Highway 1) between Junipero Serra Boulevard and Lake Street, one of San Francisco's most dangerous roads.

**AB 592** - Currently in the medical community there is a widespread belief that there is only one standard of care for Lyme disease, which is a short term treatment cycle despite evidence to the contrary, that long term care can be beneficial. This bill simply seeks to add protection to doctors who treat Lyme Disease. This bill will resolve the conflict between two standards of care by recognizing long-term treatment of persistent Lyme disease.

**AB 800** requires that hospitals and clinics include a patient's principal language spoken on the patient's records.

**AB 866** adds sexual orientation to the list of protections in the code of fair campaign practices to ensure campaigns are conducted ethically.

[CLICK TO HEAR LELAND YEE ON AB 866](#)

**AB 1113** formally states that acupuncturists may diagnose, within their scope of practice. Thus, it does not expand scope of practice. This bill conforms to a series of legal opinions which have been provided by state legislative authorities.

**AB 1114** will increase the required number of continuing education hours for license renewal of acupuncturists from thirty hours to fifty hours.

**AB 1115** will formally recognize the assistant to an acupuncturist as an "acupuncture assistant." As support staff, acupuncture assistants would carry out administrative and ancillary duties, but would not be allowed to carry out responsibilities specifically allocated to acupuncturists by virtue of their license and training.

**AB 1116** would permit properly trained foster parents and group home staff to give both injectable maintenance medications such as insulin and emergency injectable medications such as epinephrine and Glucagon to foster children as prescribed by their physician.

**AB 1117** changes California code terminology from the offensive word "Oriental" to the more accurate word "Asian."

**AB 1179** prohibits the sale of ultra violent video games to children.

**AB 1208** would authorize the City and County of San Francisco Board of Supervisors by ordinance or resolution to impose a fee in an amount to be established by the board to be paid at the time of registration or renewal of registration of every vehicle registered to an address within the city and county. Money allocated to the county under this section shall be expended only to fund programs for the construction, improvement, operation, and maintenance of local streets and highways in the county.

**AB 1263** will establish minimum safety standards for pedicure and manicure equipment and ensure that such businesses have procedures for the proper, safe, and sanitary operation of spa equipment. The bill also calls for the State Board of Barbering and Cosmetology to conspicuously display a notice warning consumers if a particular business has received a violation. [CLICK TO HEAR LELAND YEE ON AB 1263](#)

**AB 1309** clarifies that any joint powers authority created by a Local Initiative that is a Knox-Keene licensed health care service plan is subject to the requirements set forth by the enabling legislation of the Local Initiative. The bill ensures community involvement, oversight, and continued competition in the market place.

**AB 1737** makes findings that MediCal is paying for medical treatment where workers' compensation should have been used to pay instead, and there is a need to determine the extent to which this is happening. The bill requires CHSWC and the DIR to deliver, by December 1, 2005, a report to the Legislature on the extent to which MediCal is paying for medical treatment that should have been covered by workers' compensation instead.

ENROLLED (PASSED)

**AJR 14** calls for a continuation of the federal offshore oil drilling moratorium and affirms California's opposition to any federal energy proposals that may damage coastal environments.

[CLICK TO HEAR LELAND YEE ON AJR 14](#)

**ACR 54** declares the third week of every May, beginning with this week, as "Mental Health Occupations Week".



August 25, 2005

## Los Angeles Times

Thursday

# Bill Targets Nail Salon Outbreaks

**Bacterial infections from spas spark effort to improve cleanliness and require the posting of health records**

By Wendy Lee  
Times Staff Writer

Concerned that intense competition among nail salons has prompted some businesses to cut corners on health standards, state officials may require salons to post citations on their windows similar to restaurant letter grades.

The rules, contained in a bill that has passed the Assembly and goes before the state Senate Appropriations Committee in the next week, come after three mycobacterial outbreaks at salons in Northern California infected more than 200 people over the last few years.

Its author, Assemblyman Leland Yee (D-San Francisco), said the legislation was aimed at cracking down on salons that don't follow state safety standards for manicure equipment. The bill would require more stringent rules for disinfecting those items and disposing of water from spas where customers soak their hands and feet.

Yee said posting health inspectors' reports in windows would educate the public and serve to keep the salons in line.

But some shop owners are skeptical about posting health records on their windows.

At Dynasty Salon in South Pasadena, Rose Hang, a Chinese-Vietnamese immigrant, works 10 hours a day, six days a week. She strives to keep her salon clean; even her bathroom has a sign that reads "keep it clean." Despite Hang's efforts, her salon has received several citations from the state involving cleanliness issues since 1998.

Nail salons are a nearly \$7-billion industry nationwide, according to Nails magazine, a Torrance-based trade publication.

Most nail salons are small operations, with a national average of 2.6 technicians in each shop, and each person earning an average \$541 a week, according to a 2004 Nails survey.

Manicuring is regulated by the state Board of Barbering and Cosmetology, which defines the practice as cutting, trimming, polishing, coloring, tinting or cleansing the nails, or massaging, cleansing, treating or beautifying the hands or feet.

There has been an effort by nail salons recently to consolidate more massage services with their

businesses, adding to the popularity of salons with pedicure foot spas.

But bacteria can grow to "unusually high levels" in these footbaths from hair and skin debris that builds up inside the tubs if they are not disinfected properly, according to the state board. Officials said the bacteria can give customers infections or lesions — especially if customers have a cut from shaving or another type of small, open wound.

In recent years, the industry has undergone increasing scrutiny, prompted by three bacterial outbreaks in Northern California. A Watsonville salon in 1999 and 2000 infected more than 100 women, according to Yee's office. In 2004, about 27 San Jose salons infected more than 120 people altogether with bacteria, his office said.

One infected customer was 19-year-old Brittany Welby of San Jose, who got her toes done last fall for \$18 at a neighborhood salon. The infection lasted six months and left red, open sores the size of pennies on her legs, she said.

"I just hope [the bill] gets passed so it doesn't happen to anyone else," Welby said. "If there's an unsanitized salon, like the one I went to, I wish I would have known beforehand," she said.

In June, "American Idol" judge Paula Abdul testified before a state Senate committee, recounting her struggle with a staph infection under a thumbnail that she said was caused by a Studio City shop using unsanitary instruments.

If the legislation becomes law, nail salon owners will be required to post a notice in their windows indicating whether the business was fined or cited, or if its license was suspended. How long the notices would remain or how detailed they'd be would be up to the barbering and cosmetology board.

The bill also would push the state board to set minimum safety specifications for pedicure equipment and to give the board leeway to establish other requirements for the manufacture or modification of whirlpool pedicure equipment. Current standards require pedicure spas to be cleaned and inspected daily but don't regulate the type of foot spas used.

The bill "sets up a system in which consumers will be protected," said Adam Keigwin, Yee's spokesman. "They'll know what type of salon this is."

The bill passed the Assembly on June 1 in a 74-3 vote. Assemblywoman Mimi Walters (R-Laguna Niguel) objected to the bill because she thought the rules should be created by the state board, not the Legislature, said Gina Zari, Walters' chief of staff.

The new rules probably would require more state inspectors. There are 9,555 licensed establishments in Los Angeles County, and 33,911 in the state. Now, nine people among California's 18 inspectors monitor nail salons from Santa Barbara to the Mexican border, said the board's spokesman, Kevin Flanagan.

If the bill passes, it will increase the number of inspectors by four to six people. The inspectors generally check salons that have received past complaints and determine whether they follow the board's safety standards, Flanagan said.

"I don't know how you would enforce the new rules," said 41-year-old Sheri Griffin of Newport Beach, who got a pedicure infection in June 2004. "They don't have the capacity or number of people to check on them."

The infection caused half-inch to 1-inch purple boils filled with pus on Griffin's right leg, she said. Griffin, who has two purple scars from the ordeal, said she spent \$1,500 on doctor visits, antibiotics and medical tests. She sometimes wears makeup to cover the scars.

Mike Vassin, manager of Salon Basix in Costa Mesa, said he supported the legislation but doubted that it would have much of an effect.

Vassin said some of his clients have caught infections at other nail spas but continue to go to them because their lower prices are too enticing.

"They'll pay \$68 for a haircut," he said of his salon. "But they'll still want that \$10 manicure."

"Prices keep going lower and lower," he said. "The lower it goes, the lower the standard."





IN THE NEWS



August 23, 2005

# THE DAILY JOURNAL

Tuesday

## Senate votes yes for gay rights

*Daily Journal Staff Report*

A bill by Assembly Speaker Pro Tem Leland Yee, D-San Francisco, prohibiting discrimination against the politically involved based on sexual orientation is on the governor's desk after the state Senate approved it by a wide margin Monday.

The Senate approved AB866, Yee's amendment to the Fair Campaign Code, by a 21-12 vote. The passage follows Assembly approval in April which included two Republican proponents. Gov. Arnold Schwarzenegger now has 12 days to either veto the bill or sign it into law.

If signed, the bill will prohibit the use of any negativity based on prejudice against lesbian, gay, bi-sexual or transgendered people by candidates of campaign committees who sign a voluntary pledge. Currently, the pledge provided by the Code of Fair Campaign Practices only prohibits discrimination based on race, sex, religion, national origin, health or age.

Yee introduced the bill as a way to combat anti-gay rhetoric in political hate messages like those he cites from the 2004 presidential campaign and the battle over same-sex marriage in San Francisco.

According to Yee, violent incidents jumped 14 percent during that time period.

"Candidates should not discriminate and victimize the LGBT community for political purposes. Fostering campaigns that create fear and intimidation only incite a potentially dangerous situation for the LGBT community," Yee stated in announcing his bill's passage through the Legislature.



The bill is the first gay-rights legislation passed this year.

When Yee introduced the bill earlier this year, he brought in San Carlos activist Marina Gatto, 17, to help champion the cause. Gatto, who has two lesbian moms and speaks out about equality, said the bill will one day help her achieve a political dream.

"When I run for office, I want to be sure that I am judged on my knowledge, experience and integrity and not viewed on stereotypes or hate," Gatto said.



[\*\*CLICK TO HEAR LELAND YEE ON AB 866\*\*](#)